

Harrington Park
PLANNING BOARD
REGULAR MEETING MINUTES
Tuesday, October 13, 2020 @ 8:00PM

Open Public Meeting Act Announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD, NORTHERN VALLEY PRESS, and the NORTH JERSEY SUBURBANITE. A copy has been filed with the Borough Clerk and copies have been mailed to individuals requesting the same.

Based on executive orders from the state, the meeting was conducted via Zoom and was noticed.

ROLL CALL

Roll Call	PRESENT	ABSENT
(JC) Chairman John CAPAZZI	X	
(PA) Vice-Chair Peter ARDITO	X	
(PH) Mayor Paul HOELSCHER	X	
(AN) Councilman Allan NAPOLITANO	X	
(JB) Member Jesse BARRAGATO	X	
(RM) Member Richard McLAUGHLIN		8:05 PM
(RW) Member Robert WALDRON	X	
(DV) Alt. (a) Denise VELA	X	
(SB) Alt. (b) Steve BEUBIS	X	

Also Present:

(JK) Jennifer Knarich, Board Attorney
(AK) Anthony Kurus, Neglia Engineering, Board Engineer
(RP) Richard Preiss, Board Planner
(CL) Carolyn Lee, Land Use Secretary

MINUTES FOR APPROVAL

September 9, 2020

The chairman asked the board for discussion. There was no discussion.

Vote to approve September 9, 2020 minutes.	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Chairman John CAPAZZI			X			
Vice-Chair Peter ARDITO	X		X			
Mayor Paul HOELSCHER			X			
Councilman Allan NAPOLITANO			X			
Member Jesse BARRAGATO		X	X			
Member Richard McLAUGHLIN						X
Member Robert WALDRON					X	
Alt. (a) Denise VELA			X			
Alt. (b) Steven BEUBIS			X			

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INVOICES FOR APPROVAL

No invoices available.

HEARING

1. 92 Martha Road - Major Soil Movement

Robert Travers is the applicant, the attorney for property owner of 92 Martha Road, block 1314, lot 5, actually lot 6. The tax office is in the process of making the correction. This is a major soil movement application for the construction of a single family house. They have submitted attachments for tonight. Jake Modestow of Stonefield Engineering is a witness.

JK swore in Jake Modestow of Stonefield Engineering, 92 Park Avenue, Rutherford, NJ. Mr. Modestow is a professional engineer in New Jersey and is in good standing. He is licensed throughout the northeast and midwest; graduated from Stevens Institute of Technology with a bachelor of engineering; has provided expert witness testimony throughout the northeast in matters regarding civil engineering. The board accepted his qualifications.

(8:05pm) RM joined the meeting.

Mr. Modestow shared the screen.

Exhibit A-1 Survey (7/2/2020) Block 1314 lot 6 is a 0.25 acre parcel and has a detached garage at the back of the property. The property goes from north to south with grading elevations ranging from 50-46 across Martha Road. The owner is looking to construct a 2 story building with an attic, basement and a detached garage.

They are planning to remove 538 cubic yards and bring in 148 cubic yards. Total of 686 cubic yards of soil movement. Depending on soil type and material on the site, they are intending to reuse as much soil as they can, bringing the soil movement to 390 cubic yards. It has to do with the easement on the north side of the line. Exemption #18 - driveway easement is the triangle easement on the northern property line that needs to be maintained as part of the project. It has driven the design for the grading of the property along with maintaining positive drainage away from the building and preventing flow onto the adjoining property.

Mr. Modestow has received the Neglia letter dated (10/6/2020). Items 1-2 they provided testimony regarding amount of soil removed and amount left on site. Items 3-7, they will comply with and will provide numbers for drainage and seepage pit. Items 8-9 they will comply with.

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RW noted that there were elevations provided, but no floor plans and asked if the plan is final. Mr. Travers said that the plans are essentially final, but there may be some windows moved around. RW asked if the basement plan is set and if that is where the calculations were from. Mr. Travers said “correct”.

Exhibit A-2 - Architectural Plans (9/21/2020)

Exhibit B-1 - Neglia Letter (10/6/2020)

Open meeting to the public.

Motion: PH Second: PA

In favor, all said “aye”. None opposed.

No comments from the public.

Closed the meeting to the public.

Motion: RM Second: PA

In favor, all said “aye”. None opposed.

Anthony Kurus, Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ was sworn in. AK did not take any exceptions to what was said in respect to the engineering report. AK noted that Mr. Modestow provided testimony regarding the cut and fills on site. All access soil will be removed from site. AK had a conversation with Mr. Modestow before the meeting to go over the final spot grades and drainage calculations and perk calculation and seepage pits. Mr. Modestow had agreed to provide the additional information as well as the notes to go on the plan. According to AK, Mr. Modestow has addressed the items on the letter. AK was satisfied.

Mr. Travers did not have anything to add. The board members did not have any additional questions.

Vote to approve the 92 Martha Road soil movement application subject to complying with the conditions in the Neglia Engineering letter.	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Chairman John CAPAZZI			X			
Vice-Chair Peter ARDITO			X			
Mayor Paul HOELSCHER			X			
Councilman Allan NAPOLITANO			X			
Member Jesse BARRAGATO			X			
Member Richard McLAUGHLIN	X		X			
Member Robert WALDRON		X				
Alt. (a) Denise VELA						

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Alt. (b) Steven BEUBIS						
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OLD BUSINESS

1. Letter from Board of Adjustment regarding 6ft fences

RM noted that this was discussed in the last meeting and was carried to this meeting so the planner could discuss. RP did not attend the previous meeting. It might be helpful to review the discussion from the last meeting. RM reviewed that the motivation for the letter has been seeing more application for variances for 6ft fences. The Board of Adjustment is asking if the Mayor and Council may consider an amendment or provide a statement. The council didn't see a reason to amend at this time. The increasing number of applications seems that there is a trend that the community feels that a 5ft high fence is too low. There are members of the board who are concerned that the proliferation of fences tends to cut off neighbors and takes away the open feel that Harrington Park has had for quite a while. The board is asking for the experience from RP and how other towns address this. RP noted that variances should be sparingly granted in particular cases and where it meets the municipal land use law. If there is a trend for the same variance that is granted in each case, this is an indication that the regulation is too stringent and should the standard be enforced. Ordinarily, the question would be put in an annual report and a recommendation would be made to the mayor and council saying we are seeing a lot of applications that are granted in each case. Instead of making the resident go through time and expense of the variance process perhaps the law should change to allow it. RP said that fences could be controversial. More in the front than on the side or rear yard when it comes to height. You would want a house to be visible and a fence in the front should be low for visibility. One of the ways is to allow for higher fences if constructed from material that allows openness. Allowing 6ft fences is something to look into. If solid fences are a concern that neighbors are walled off, then the fence could be 50% open. RM noted that not all variances for 6ft fences were granted, but more than 50% have been. RP would like to review the resolutions of the applications. There may be situations where 6ft would be permitted, but would be by location and fence type. He does not have a sense of the board's reasoning and would need to review the resolution.

CL will provide a list and resolutions to RM and RP for them to establish a pattern.

This will be carried to the November meeting.

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RP has a conflict on November 10th. If RP receives the material from CL and has a followup conversation with RM, he may be able to write a memo that the board can consider in the next meeting.

NEW BUSINESS

1. DCA emergency regulations and LFN on meetings during COVID

The DCA propagated emergency regulation for public meetings during COVID more so than originally issued in March. DCA has propagated Local Finance Notice that addresses the proposed regulations. JK is still reviewing the requirements for public hearing and notices when done remotely. It is suggested that more formalization of processes and procedures on the governing bodies part when it comes to hearings, more stringent rules and regulations when it comes to public comment. Take into consideration due process issues for complex or contentious hearings. They are urging boards to do those in person. An example is that the applicant is only required to submit the documents and exhibits remotely and electronically and have them available at the hearing 2 days prior to the hearing. Previously, 10 days were required so this relaxes this rule. JK will send the information in a memo so the board is clear on what is required of us with these meetings. They require a resolution to be adopted that addresses the procedure and protocols when addressing public comment. There are concerns when there are objectors. We have been lucky that we haven't had that. This is coming to make the process easier but stricter. JK will send a copy of the new regulations and local finance process to review.

ADJOURN

Motion: RM Second: PA

In favor, all said "aye".

Meeting adjourned at 8:32pm.

NEXT SCHEDULED PLANNING BOARD
REGULAR MEETING
Tuesday, November 10, 2020 at 8pm